



CITY OF SPRINGFIELD, MASSACHUSETTS

VACANT AND FORECLOSING PROPERTY REGISTRATION

The City of Springfield has enacted a statute requiring the registration of certain properties to protect and preserve public safety, security, and the quiet enjoyment of occupants, abutters, and neighborhoods. The Property Registration Ordinance (PRO) affects two classes of properties:

1. All legally vacant residential property (not including seasonally vacant); and, All residential properties that are in the process of being foreclosed upon, vacant or not.
A property is considered to be being foreclosed upon if any of the following actions have been taken: (i) ***taking possession*** of a residential property pursuant to M G L c. 244, s 1; (ii) delivering the Mortgagee's ***notice of intention to foreclose*** to the borrower pursuant to M G L c244, s 17B; or (iii) ***commencing a foreclosure action*** on a property.

If you are the owner of a vacant property or are the institution foreclosing on a property in the City of Springfield, you must:

1. Fill out the attached registration form, and return it to the Building Department, 70 Tapley Street, Springfield, MA 01104 with a check or money order in the amount of \$100.00. Incomplete forms and cash payments will not be accepted;
2. Identify a local property management company or individual if the property is vacant (local is defined as within 30 driving miles of the subject property);
3. Board and secure the property if it is vacant;
4. Maintain the property in accordance with all applicable codes, including keeping the property clean of rubbish, trash, overgrowth and debris; further, the property must be inspected and maintained at least weekly during the time it is vacant; and,
Post the property with emergency contact information.

Property owners and foreclosing institutions have until November 1, 2009 to register all vacant or foreclosing properties. For all properties registered on or before November 1, 2009, the registration will be good through November 1, 2010. After November 1, 2009, the registration will be in effect for one calendar year from the initial registration.

Failure to register a property that is vacant or in the process of foreclosure will result in fines of up to \$300 per week until compliance is achieved.

Attached to this notice are: 1) the text of the vacant and foreclosing property ordinance; and, 2) the property registration form.

If you have any questions or need assistance in completing a registration, please call 3-1-1 from inside Springfield or 413.736.3111. Thank you for your assistance!



Springfield 311 - one call to City Hall
In Springfield, Mass. dial **3-1-1** for city services
Cell phones and out-of-state, dial (413)736-3111
Online, visit www.springfield-ma.gov/311



City of Springfield

Building Code Enforcement

70 Tapley Street
Springfield, MA 01104
Phone: (413) 787 - 6031
Fax: (413) 787 - 6023

Vacant and/or Foreclosing Property Registration

(a separate registration is required per property)

For new or renewed registrations, mail or hand-deliver
this application to 70 Tapley St., along with a \$100 check
payable to City of Springfield - **no cash accepted.**

☐ NEW ☐ UPDATE ☐ RENEWAL

☐ Vacant ☐ Foreclosing/Foreclosed (Occupied) ☐ Foreclosing/Foreclosed (Vacant)

1. Property Information

☐ Residential ☐ Commercial ☐ Industrial

Property Address: _____ No. of Units: _____

Description of Property: _____

2. Local Property Management Information

Local Individual or Local Property Mgmt. Co.: _____

Contact Name: _____ Phone No.: _____

Address (**NO PO BOX**): _____

City: _____ State: _____ Zip: _____

24-Hour Contact Telephone, Cellular Phone, or Pager No.: _____

Use above contact for registration inspection? ☐ Yes ☐ No (If No, provide name and phone no. below.)

Name _____ Phone No.: _____

3. Owner/Agent Information

Property Owner ☐ or Foreclosing Institution ☐: _____

Contact Name: _____ Phone No.: _____

Address (**NO PO BOX**): _____

City: _____ State: _____ Zip: _____

Office Use Only

Parcel #

☐ Payment Rec'd

Payment Date

Payment Method

MUNIS Bill #

☐ Inspected?

Inspection Date

Inspector

☐ Entered in DB?

Entry Date

In accordance with the City of Springfield's "Vacant and/or Foreclosing Property" Ordinance, by signing below you:

- **Certify** that the information provided above is accurate, and **Agree** to notify the Building Commissioner of any updates.
- **Agree** to pay a fee of \$100 at the time of registration/renewal, **Agree** that this Property Registration is valid for a period not to exceed one year from the date of initial registration, and **Agree** to renew this Property Registration within 30 days of expiration. Once the property is no longer vacant or is sold, you **Agree** to provide proof of sale or written notice, or proof of occupancy, to the Building Commissioner.
- **Certify** that the property has been inspected by the Owner/Agent at the time of the filing of this Property Registration.
- If the property is vacant, **Agree** to maintain a *local* individual or *local* property management company responsible for securing and maintaining the property. *Note that local means within thirty (30) driving miles of the property.*
- **Agree** to post and maintain updated name and 24-hour contact phone number of the local individual or local property management company responsible for maintenance of property on the front of the property, so it is clearly visible from the street.
- **Agree** that the owner, local individual, or local property management company shall inspect and maintain the property on a weekly basis for the duration of the vacancy, in accordance with the relevant City of Springfield codes.
- **Agree** that once registered the property will be inspected by the City's Building Department.
- **Agree** that adherence to this ordinance does not relieve the owner of any applicable obligations set forth in the City ordinances or regulations, Covenant Conditions and Restrictions, and/or Home Owners Association rules and regulations.

Applicant Signature

Printed Applicant Name

Date

Steve Desilets, Building Commissioner

Date

City of Springfield
Vacant and Foreclosing Property Registration Ordinance
Frequently Asked Questions

What properties have to be registered?

According to the ordinance, a property must be registered if *any* of the following are true:

- The property is legally vacant; or,
- The property is in the process of being foreclosed upon (whether or not the property is vacant).

What constitutes a property in the process of being foreclosed upon?

Property is considered to be in the process of being foreclosed upon if any of the following actions have been taken: (i) taking possession of a residential property pursuant to M G L c. 244, s 1; (ii) delivering the Mortgagee's notice of intention to foreclose to the borrower pursuant to M G L c.244, s 17B; or (iii) commencing a foreclosure action on a property.

Who must register a vacant and/or foreclosing property?

According to the ordinance, a vacant and/or foreclosing property must be registered by any person, entity, service company, property manager, or real estate broker who (alone or with others):

1. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
2. Has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
3. Is a mortgagee in possession of any such property; or
4. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
5. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards. However, this ordinance shall not apply to a Condominium Association created pursuant to M G L c. 138A to the extent that such Association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the Association.
6. Any and every person who operates a rooming house; or
7. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

How much does it cost to register a vacant or foreclosing property?

Registration is \$100 per year with renewal required one year after the date of initial registration.

What if I don't register my vacant or foreclosing property?

The Vacant and and/or Foreclosing Property Ordinance stipulates that those failing to register a vacant or foreclosing property can be fined up to \$300 per week until the property is registered.

What if my property becomes occupied and/or is sold at a foreclosure auction?

A property may be removed from the registration list by providing proof of sale or written notice, and proof of occupancy, to the Building Commissioner (including the contact information of the property's new owners). The \$100 registration fee is neither pro-rated nor refundable.

What is a local property manager?

For all registered properties, the registering entity must provide the name, mailing address (excluding P.O. Boxes), and 24-hour telephone contact information for an individual or management company located within 30 miles of the registered property who is responsible for the overall upkeep and maintenance of the property.

What is necessary for compliance under this ordinance?

To be compliant with this ordinance owners with properties subject to registration must do the following:

1. Return a completed registration form, along with check or money order in the amount of \$100, to the City of Springfield, Building Department, 70 Tapley Street, Springfield, MA 01104 with a check or money order in the amount of \$100.00. Incomplete forms will be returned and the property will not be considered in compliance;
2. Identify a local (within 30 miles of the property) property management company or individual if the property is vacant;
3. Properly board and secure the property if it is vacant;
4. Maintain the property in accordance with all applicable codes, including keeping the property clean of rubbish, trash, overgrowth and debris;
5. Inspect and maintain the property on a weekly basis; and,
6. Post on the property the 24-hour contact information of the property manager. The posting must be not less than 20 square inches, able to withstand normal weather conditions, and visible from the street.

CHAPTER 7.50 AN ORDINANCE REGULATING THE MAINTENANCE OF VACANT AND/OR FORECLOSING RESIDENTIAL PROPERTIES

7.50.010 Purpose.

A. It is the intent of this section to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) requiring all residential property owners, including lenders, trustees, and service companies, to properly maintain vacant and/or foreclosing properties, (ii) regulating the maintenance of vacant and/or foreclosing residential properties to prevent blighted and unsecured residences, and (iii) provide for a local individual or entity to contact in case of an emergency situation at the property.

B. The code enforcement commissioner, or his designee, has enforcement authority pursuant to, *inter alia*, General Laws, chapter 143, section 3, the State Building Code, and the Zoning Ordinances of the city of Springfield.

7.50.020 Definitions.

When used in this section, unless a contrary intention clearly appears, the following items shall have the following meanings:

A. "City" means city of Springfield.

B. "Commissioner" means the code enforcement commissioner.

C. "Days" means consecutive calendar days.

D. "Foreclosing" means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

E. "Initiation of the foreclosure process" means taking any of the following actions: (i) taking possession of a residential property pursuant to General Laws, chapter 244, section 1; (ii) delivering the mortgagee's notice of intention to foreclose to the borrower pursuant to General Laws, chapter 244, section 17B; or (iii) commencing a foreclosure action on a property in either the Land Court or Superior Court.

F. "Local" means within thirty (30) driving miles distance of the property in question.

G. "Maintained" means maintained in accordance with the relevant Sanitary Codes, Building Codes, and local ordinances and regulations concerning external and/or visible maintenance. The owner, local individual or local property management company must inspect and maintain the property on a weekly basis for the duration of the vacancy. The property must contain a posting with the name and twenty-four (24) hour contact phone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.

H. "Mortgagee" means the creditor, including but not limited to, service companies, lenders of a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

I. "Owner" means every person, entity, service company, property manager or real estate broker, who alone or severally with others:

1. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or

2. Has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

3. Is a mortgagee in possession of any such property; or

4. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

5. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards. However, this ordinance shall not apply to a condominium association created pursuant to General Laws, chapter 138A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association.

6. Any and every person who operates a rooming house; or

7. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

J. "Property" means any real, residential property, or portion thereof, located in the city of Springfield, including buildings or structures situated on the property. For purposes of this section only, property does not include property owned or subject to the control of the city or any of its governmental bodies.

K. "Residential Property" means any property that contains one (1) or more dwelling units used, intended, or designed to be occupied for living purposes.

L. "Securing" means conforming with the state building code, which requires owners to:

1. Remove all materials determined by the head of the fire department or building official to be dangerous in case of fire.

2. Secure all floors accessible from grade utilizing one of the following methods so long as such method is approved by the head of the fire department or building official in writing:

a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board-Up Procedures, continuously until such time as the building is reoccupied; or

b. Provide twenty (24) hour watchman services continuously until such time as the building is reoccupied; or

c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade continuously until such time as the building is reoccupied. Said owner, as the case may be, shall notify the code enforcement commissioner that the approved method chosen to secure the building has been incorporated.

3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the head of the fire department in accordance with General Laws, chapter 148, section 27A to shut off or disconnect said alarms or systems.

4. Maintain utilities unless written permission is obtained from the building official to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.

M. "Vacant" means any property that has not been legally occupied for sixty (60) days or more, and/or not properly maintained or secured.

7.50.030 Registration of vacant and/or foreclosing residential properties--Duty to provide written notice of vacant, residential property and/or mortgage foreclosure.

A. All owners must register vacant and/or foreclosing residential properties with the building commissioner on forms provided by the commissioner. All registrations must state the individual owner's or agent's phone number and mailing address located within the Commonwealth as required by General Laws chapter 59, section 57D, General Laws chapter 156D, section 5.02, and 950 C.M.R. 113.20. The mailing address must be an actual property address and may not be a P.O. Box.

B. The registration must also certify that the property was inspected by the owner, and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address must be an actual property and may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the initiation of the foreclosure process as defined in subsection (b).

C. If the commissioner determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within fourteen (14) days of the commissioner's first citation for improper maintenance.

D. All property registrations are valid for one (1) calendar year. An annual registration fee of one-hundred dollars (\$100) must accompany the registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.

E. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the building commissioner. Such notice must contain the name and legal address for service of the new owner (s) or the new occupant(s).

7.50.040 Maintenance requirements.

A. Properties subject to this section must be maintained in accordance with the relevant Sanitary Codes, Building Codes, and local ordinances and regulations concerning external and/or visible maintenance. The owner, local individual or local property management company must inspect and maintain the property on a weekly basis for the duration of the vacancy.

B. The property must contain a posting with the name and twenty-four (24) hour contact phone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street. Such posting must be constructed of durable, weather resistant material, not less than twenty (20") square inches in size and affixed to the building in a secure manner designed to withstand normal weather conditions.

C. Adherence to this section does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions and/or home owners association rules and regulations.

7.50.050 Inspections.

A. Upon registration, the code enforcement department shall inspect the subject property to ensure that it has been secured, and further, shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations as they see fit. The owner shall have the duty to provide the code enforcement department with access to inspect the property, upon reasonable notice to the owner. The code enforcement department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

7.50.060 Enforcement and penalties.

A. Failure to initially register with the commissioner is punishable by a fine of three hundred dollars (\$300), and shall be further subject to a three hundred dollars (\$300) fine for each week the property remains unregistered.

B. If applicable, failure to properly identify the name of the local individual or local property management company is punishable by a fine of three hundred dollars (\$300)

C. Failure to maintain the property is punishable by a fine up to three hundred dollars (\$300) for each week the property is not maintained.

D. Additionally, if a property is not registered as called for herein, the code enforcement department shall have the right to file an action to enforce this ordinance in the Western Division Housing Court or any other court of competent jurisdiction, and shall require the owner(s) as defined herein to register forthwith, and further shall require the owner(s) to disclose the name and address of the casualty loss insurer insuring the premises, and shall be required to provide proof that there is insurance, bond or letter of credit in such sufficient amount to cover demolition of the property in the event a fire or other conditions requires the demolition of the property.

7.50.070 Appeal.

Any person aggrieved by the requirements of this section may seek an administrative appeal to the code enforcement department. Any person aggrieved by a final decision issued under this section by the code enforcement department, may seek relief in any court of competent jurisdiction in accordance with the laws of the Commonwealth.

7.50.080 Applicability.

A. No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in General Laws, chapter 94C, section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the city; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

7.50.090 Regulatory Authority.

The code enforcement commissioner has the authority to promulgate rules and regulations necessary to implement and enforce this section. The city has the right to petition the Housing Court or any other court of competent jurisdiction for enforcement of this ordinance.

7.50.100 Severability.

If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be enforced separately and apart from the remaining provisions, which shall remain in full force and effect.

7.50.110 Implementation.

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage.

As amended April 9, 2009.